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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,043	12/11/2003	Valerie M. Bennett	RSW920030296US1	8736

43168 7590 03/08/2007	EXAMINER
MARCIA L. DOUBET LAW FIRM	
PO BOX 422859	PONIKIEWSKI, TOMASZ
KISSIMMEE, FL 34742	

ART UNIT	PAPER NUMBER
2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/734,043	BENNETT ET AL.
	Examiner	Art Unit	
	Tomasz Ponikiewski	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,4,6-18 and 20-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 3-4, 6-18 and 20-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-

Fubruary-2007 has been entered.

2.   The Amendment filed on February 2, 2006 has been received and entered.

Claims 22 and 23 have been added. Claims 2, 5 and 19 are cancelled. Claims 1, 3-4,

6-18 and 20-23 are pending.

Claim Objections

3.   Claims 1, 20-21 and 23 are objected to because of the following informalities:

Claims 1, 20-21 and 20 recite the word "for" and "used for" in the body of the

claims. It indicates intended use and as such does not carry patentable weight. The

word could be changed to recite "to". The limitations following the phrase "for"

describes only intended use but not necessarily required functionality of the claim.

Limitations following the phrase "for" do not carry patentable weight, which cause the

claims to appear as a series of non-functional descriptive material/data without any

functional relation with each other. Applicant is required to amend the claims so that the

claim limitations are recited in a definite form.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claim 21 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 21 is directed to software only implementation. The specification on pages

20 and 21 state, that the invention could be implemented as software only. Software is

not statutory subject matter and therefore fails the requirement. The steps require a

hardware component to overcome the rejection.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 8 recites the limitation "comparator" in the body of the claim. The

examiner is not sure what the term stands means. Is it the same as query qualifier?

The term is not used in the specification therefore further explanation is required.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claim 1, 3-4, 6-18 and 20-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Krupin et al. (US 6,751,611 B2).

As per claim 1 Krupin et al. is directed to a computer-implemented method of

programmatically building queries, comprising steps of:

        programmatically identifying, for a content source, at least one element thereof

by programmatically obtaining one or more tag names from a markup language

document used for rendering a view of the content source (column 6 lines 26-29);

using at least one of the programmatically-obtained tag names to consult a

lookup component to obtain at least one candidate query parameter name for querying

the content source (column 6, lines 43-46; and

displaying each obtained candidate query parameter name on a user

interface display configured to build a query command responsive to selection by a user

of at least one of the displayed candidate query parameter name or names, to query the

content source (column 6, lines 40-42).

As per claim 3 <u>Krupin et al.</u> is directed to wherein the using step further

comprises using information regarding the user when consulting the lookup component

(column 9, lines 60-64).

As per claim 4 <u>Krupin et al.</u> is directed to further comprising the step of:

programmatically identifying at least one query extension parameter name for the

query command, responsive to a request from the user to extend the query command

(column 10, lines 27-38); and

wherein the displaying step further comprises also displaying each of the at least

one programmatically-identified query extension parameter name or names as

additional ones of the candidate query parameter names (column 10, lines 27-38).

As per claim 6 <u>Krupin et al.</u> is directed to wherein the using step further comprises using information regarding the content source when consulting the lookup component (column 8, lines 33-36).

As per claim 7 <u>Krupin et al.</u> is directed to wherein the information regarding the user comprises at least one of: a role of the user, preferences of the user, a device used by the user, or an identification of the user (column 8, lines 25-26).

As per claim 8 <u>Krupin et al.</u> is directed to A computer-implemented method of programmatically building queries, comprising steps of:

programmatically identifying, for each of at least one query parameter name to be used when querying a content source, at least one candidate query qualifier by consulting a lookup component using contextual information pertaining to a user, wherein each candidate query qualifier specifies a comparator to use in determining a match for a value of that query parameter name (column 7, lines 10-19); and

displaying each of the pro grammatically identified query parameter names, and for each query parameter name, each of the at least one candidate query qualifiers, on a user interface display configured to build a query command, responsive to input from the user, to query the content source, wherein the input from the user comprises selecting least one of the displayed parameter names and, for each selected query parameter name, one of the displayed candidate query qualifiers (column 6, lines 40-46).

As per claim 9 <u>Krupin et al.</u> is directed to wherein the programmatically

identifying step further comprises using information regarding the content source when

consulting the lookup component (column 8, lines 33-36).

As per claim 10 <u>Krupin et al.</u> is directed to wherein the contextual information

pertaining to the user comprises at least one of: a role of the user, preferences of the

user, a device used by the user, or an identification of the user (column 8, lines 25-26).

As per claim 11 <u>Krupin et al.</u> is directed to a computer-implemented method of

programmatically building queries, comprising steps of:

obtaining a set of one or more query parameter names for querying a content

source (column 6, lines 40-42);

programmatically identifying, for the obtained set of query parameter names, one

or more candidate extensions thereto for querying the content source by consulting a

lookup component using contextual information pertaining to a user, each of the

candidate extensions comprising an additional query parameter name for querying the

content source (column 10, lines 27-38); and

displaying the set of query parameter names, and the programmatically-identified

candidate extensions thereto, as an extended set of query parameter names on a user

interface display configured to build a query command to query the content source

responsive to selection, by the user, of at least one of the query parameters parameter

names from the extended set (column 10, lines 27-38).

As per claim 12 <u>Krupin et al.</u> is directed to wherein the obtaining step further

comprises obtaining the set as input from the user (column 6, lines 36-37).

As per claim 13 <u>Krupin et al.</u> is directed to wherein the obtaining step further

comprises programmatically determining the set (column 6, lines 42-46).

As per claim 14 <u>Krupin et al.</u> is directed to further comprising the steps of:

programmatically identifying at least one query extension parameter name for the

query, responsive to a request from the user to add at least one query parameter name

to the set (column 10, lines 27-29; and

displaying each of the programmatically-identified query extension parameter

names, in addition to the set of query parameter names and the programmatically-

identified candidate extensions thereto, as the extended set of query parameter names

(column 10, lines 27-38).

As per claim 15 <u>Krupin et al.</u> is directed to wherein the programmatically

identifying step further comprises using information regarding the content source when

consulting the lookup component (column 8, lines 33-36).

As per claim 16 <u>Krupin et al.</u> is directed to wherein the programmatically identifying step further comprises using one or more of the obtained query parameter names when consulting the lookup component (column 7, lines 22-38).

As per claim 17 <u>Krupin et al.</u> is directed to herein the contextual information pertaining to the user comprises at least one of: a role of the user, preferences of the user, a device used by the user, or an identification of the user (column 8, lines 25-26).

As per claim 18 <u>Krupin et al.</u> is directed to further comprising the steps of:

selecting, by the user, at least one of the displayed query parameter names from the extended set (column 8, lines 22-25);

building the query command, responsive to the selecting (column 8, lines 50-52); and

using the built query command, to query the content source (column 8, lines 50-52).

As per claim 20 <u>Krupin et al.</u> is directed to a system configured to programmatically build queries, comprising:

means for obtaining a set of one or more query parameter names for querying a content source (column 6, lines 24-28);

means for programmatically identifying, for the obtained set of query parameter names, one or more candidate extensions thereto for querying content source by

consulting a lookup component using contextual information pertaining to a user, each

of the candidate extensions comprising an additional query parameter name for

querying the content source (column 10, lines 27-28); and

means for displaying the set of query parameter names, and the

programmatically-identified candidate extensions thereto, as an extended set of query

parameter names on a user interface display configured to build a query command to

query the content source responsive to selection, by the user, of at least one of the

query parameter names from the extended set (column 10, lines 27-38).

As per claim 21 Krupin et al. is directed to a computer program product

configured to programmatically building build queries, the computer program product

embodied on one or more computer-readable storage media and comprising:

computer-readable program code for obtaining a set of one or more query

parameter names for querying a content source (column 6 lines 24-28); and

computer-readable program code for programmatically identifying, for the

obtained set of query parameter names, one or more candidate extensions thereto for

querying the content source by consulting a lookup component using contextual

information pertaining to a user, each of the candidate extensions comprising an

additional query parameter name for querying the content source (column 10, lines 27-

38); and

computer-readable program code for displaying the set of query parameter

names, and the programmatically-identified candidate extensions thereto, as an

extended set of query parameter names on a user interface display configured build a

query command to query the content source responsive to selection, by the user, of at

least one of the query parameter names from the extended set (column 10, lines 27-38).

As per claim 22 <u>Krupin et al.</u> is directed to further comprising:

means for selecting, by the user, at least one of the query parameter names

from the extended set (column 8, lines 22-25);

means for building the query command, responsive to the selecting

(column 8, lines 50-52); and

means for using the built query command to query the content source (column 8,

lines 50-52).

As per claim 23 <u>Krupin et al.</u> is directed to further comprising:

computer-readable program code for selecting, by the user, at least one of the

query parameter names from the extended set (column 8, lines 22-25);

computer-readable program code for building the query command, responsive to

the selecting (column 8, lines 50-52); and

computer-readable program code for using the built query command to query the

content source (column 8, lines 8, lines 50-52).

Response to Arguments

10.   Applicant's arguments with respect to claims 1, 3-4, 6-18 and 20-23 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tomasz Ponikiewski whose telephone number is

(571)272-1721. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neveen Abul-Jalil

Tomasz Ponikiewski
March 5, 2007